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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 William Witter,

10 Petitioner,

11 v.

12 Jeremy Bean,¹ *et al*,

13 Respondents.
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Case No. 3:20-cv-00345-APG-CSD

**Stipulation And Order to Stay
Federal Proceedings Pending
Exhaustion of State Remedies**

DEATH PENALTY CASE

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23 ¹ Jeremy Bean is substituted for William Gittere as Warden of High Desert
Prison. Fed. R. Civ. P. 25(d).

STIPULATION

Petitioner William Witter, through counsel Stacy Newman, Assistant Federal Public Defender, and Respondent Jeremy Bean, et al, through counsel Jeffrey Conner, Chief Deputy Solicitor General, hereby stipulate as follows:

- On June 12, 2020, Mr. Witter filed a Petition for Writ for Habeas Corpus in this Court. *See* ECF No. 2. In his petition, Mr. Witter stated that “[t]here may be reasonable confusion regarding whether Mr. Witter is required to again present the claims in the instant petition that can only be raised in state court post-conviction proceedings.” *Id.* at 13.
- On December 9, 2020, Mr. Witter filed a habeas petition in the Eighth Judicial District of Nevada. This petition was filed in the event Mr. Witter sought to exhaust claims raised in his federal habeas corpus proceedings.
- The parties agree that the federal proceedings should be stayed pending the conclusion of this state exhaustion proceeding.
- The parties agree that the exhaustion proceeding includes any appeal to the Nevada Supreme Court following resolution of the petition in the state district court, and that the proceeding is concluded once remittitur issues from that appeal.
- The parties agree that Mr. Witter will file a status report regarding the progress of the exhaustion proceeding on June 15, 2025, and every six

months thereafter until the proceeding is concluded. Respondents may, if necessary, file and serve a response to any such status report within 15 days after its service. If necessary, Mr. Witter may then file a reply within 15 days of service of the response.

- The parties agree that Mr. Witter will file a motion to reopen the federal proceeding within thirty days of the conclusion of the state exhaustion proceeding.
- The parties agree that Respondents do not, by stipulating to the instant stay, intend to waive any procedural defenses. By agreeing to this procedure, Respondents do not concede that Mr. Witter's post-exhaustion petition will be considered fully exhausted, timely, free from procedural default, or free from challenge under any other procedural defenses.

DATED this 25th day of February, 2025.


Rene L. Valladares
Federal Public Defender

Aaron Ford
Nevada Attorney General

/s/ Stacy M. Newman
Stacy M. Newman
Assistant Federal Public Defender

/s/ Jeffrey Conner
Jeffrey Conner
Chief Deputy Solicitor General

IT IS SO ORDERED



Chief U.S. District Judge Andrew P. Gordon

DATED: March 11, 2025